



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(PATENT APPLICATION)

Docket No. AM100878 CIP
Anticipated Classification
of this application:
Class: Subclass:



COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

FILING OF NEW PATENT APPLICATION

SIR: Transmitted herewith for filing is a patent application of Xiang-Jin Meng (resident of Blacksburg, VA and citizen of P.R. China), Martijn Fenaux (resident of Blacksburg, VA and citizen of Belgium) and Patrick G. Halbur (resident of Ames, IA and citizen of United States of America) for CHIMERIC INFECTIOUS DNA CLONES, CHIMERIC PORCINE CIRCOVIRUSES AND USES THEREOF. This is a request for filing a continuation-in-part application which claims the benefit under 35 U.S.C. § 120 of the prior, copending nonprovisional U.S. Application No. 10/314,512, filed on December 9, 2002, which claims the right of domestic priority under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 60/424,840, filed on November 8, 2002, which claims the right of domestic priority under 35 U.S.C. § 119(e) of copending U.S. Provisional Application No. 60/340,775, filed December 12, 2001. Enclosed are the following documents, fee payment and relevant statements:

1. Papers Required for a Filing Date under 37 C.F.R. § 1.53(b):
 - ☒ 86 Pages of specification
 - ☒ 4 Pages of claims
 - ☒ 1 Page of Abstract of the Disclosure
 - ☒ 14 Sheets of informal drawings (Figs. 1-14)
2. Declaration and Power of Attorney:
 - ☐ Page(s)
 - ☒ Not enclosed

3. Additional Papers:

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449 in Duplicate
- ☐ Publications
- ☐ Declaration of Biological Deposit
- ☐ — Page(s) of Sequence Listing
- ☐ — Sequence Listing Diskette(s)

4. Assignment:

- ☐ — Page(s)
- ☒ The prior U.S. Nonprovisional Application No. 10/314,512 is assigned of record to two assignees: (1) Virginia Tech Intellectual Properties, Inc., 1872 Pratt Drive, Suite 1625, Blacksburg, VA 24060 based on two assignments that were recorded on March 11, 2003 in the Assignment Division of the U.S. Patent and Trademark Office on the Reel and Frame Nos. 013832/0239 and 013832/0305; and (2) Iowa State University Research Foundation, Inc., 310 Lab of Mechanics, Ames, IA 50011-2131 based on an assignment that was recorded on March 11, 2003 in the Assignment Division of the U.S. Patent and Trademark Office on the Reel and Frame Nos. 013832/0263. The prior Provisional Application No. 60/340,775 is also assigned of record to the same two assignees: (1) Virginia Tech Intellectual Properties, Inc., 1872 Pratt Drive, Suite 1625, Blacksburg, VA 24060 based on two assignments recorded on June 27, 2002 on the Reel and Frame Nos. 013041/0315 and 013041/0325; and (2) Iowa State University Research Foundation, Inc., 310 Lab of Mechanics, Ames, IA 50011-2131 based on an assignment recorded on June 27, 2002 on the Reel and Frame Nos. 013041/0328.

5. Calculation of Filing Fee:

| FOR | NO. FILED | NO. EXTRA | RATE | FEE |
|-------------------------------|-----------|-----------|-----------|-----------|
| Basic Fee | | | | \$770.00 |
| Total Claims | 32 - 20 = | 12 | x \$18.00 | 216.00 |
| Indep. Claims* | 6 - 3 = | 3 | x \$86.00 | 258.00 |
| Multiple Dependent Claim | | | \$290.00 | 0 |
| Recording of Assignment | | | \$40.00 | --- |
| | | | Total Fee | \$1244.00 |

*Independent Claims are Claims 1, 13, 15, 29, 31 and 32.

6. Fee Payment:

Please charge Deposit Account No. 01-1425 in the amount of \$1244.00 for the payment of the filing fee. A duplicate copy of this transmittal sheet is enclosed.

7. Instructions as to Overpayment:

Please credit any overpayment to Deposit Account No. 01-1425.

8. Authorization to Charge Additional Fees:

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 01-1425:

- ☒ 37 C.F.R. § 1.16(a), (f) and (g) filing fees
- ☒ 37 C.F.R. § 1.16(b), (c) and (d) presentation of extra claims
- ☒ 37 C.F.R. § 1.16(e) surcharge for filing the basic filing fee and/or Declaration on a date later than the filing date of the application

- [X] 37 C.F.R. § 1.17 application processing fees
9. [X] With respect to the prior copending U.S. Nonprovisional application and the U.S. Provisional applications from which this application claims the benefit of the earlier filing dates under 35 U.S.C. § 120 and the right of domestic priority under 35 U.S.C. § 119(e) for the same matter: (1) the prior applications were filed with at least one common inventor as in this application; (2) this application is being filed before the abandonment of the prior nonprovisional application; and (3) this application contains a specific reference to the earlier filed applications by stating that this continuation-in-part application claims the benefit under 35 U.S.C. § 120 of the prior, copending nonprovisional U.S. Application No. 10/314,512, filed on December 9, 2002, which claims the benefit under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 60/424,840, filed on November 8, 2002, which claims the benefit under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 60/340,775, filed on December 12, 2001.
10. [] Priority of application Serial No. _____ filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119. The certified copy has been filed in prior application Serial No. _____, filed _____.
11. [] The invention was made [] by an agency of the United States Government or [] under a contract with an agency of the United States Government, with following details: _____.
12. KINDLY ADDRESS ALL FUTURE COMMUNICATIONS TO: Anne M. Rosenblum, Esq., 163 Delaware Avenue - Suite 212, Delmar, NY 12054; Tel. No. (518) 475-0611.

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

VIRGINIA TECH INTELLECTUAL
PROPERTIES, INC. and
IOWA STATE UNIVERSITY RESEARCH
FOUNDATION, INC.

Date: March 25, 2004

By: Anne M. Rosenblum
Anne M. Rosenblum
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Registration No. 30,419

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FILING BY EXPRESS MAIL UNDER 37 C.F.R. § 1.10

This filing of a continuation-in-part application under 37 C.F.R. § 1.53(b) and the accompanying documents identified hereinabove are being deposited with the U.S. Postal Service on March 25, 2004 to be delivered by the "Express Mail Post Office to Addressee" service under Mailing Label Number EU730354139US addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Anne M. Rosenblum
Anne M. Rosenblum